



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

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| MEETING DATE January 14, 2016 | CONTACT/PHONE Holly Phipps (805) 781-1162 hhipps@co.slo.ca.us | APPLICANT Jacob & Laura Wiebe & Verizon Wireless | FILE NO. DRC2014-00137 |
| SUBJECT A request by Jacob and Laura Wiebe and Verizon Wireless for a Conditional Use Permit to allow for the construction of an unmanned wireless telecommunications facility consisting of two (2) GPS units, twelve (12) 6 foot tall panel antennas, twelve (12) RRHs, and four (4) ray caps to be concealed within a 40-foot tall artificial water tank, and installation of an electrical meter, outside cabinet, standby generator, and an 8 foot tall perimeter fence in a 33 foot by 39 foot lease area. The project will result in the disturbance of approximately 1,316 square feet on a 14 acre parcel. The proposed project is within the Agriculture land use category and is located at 1250 W. Centre Street, on the south side of Centre Street, approximately 900 feet west of the community of Shandon. The site is in the Shandon-Carrizo Sub Area of the North County planning area. | | | |
| RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.; and 2. Approve Conditional Use Permit DRC2014-00137 based on the findings listed in Exhibit A and the conditions listed in Exhibit B | | | |
| ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 5, 2015 for this project. Mitigation measures are proposed to address Aesthetics and Biological Resources and are included as conditions of approval. | | | |
| LAND USE CATEGORY Agriculture | COMBINING DESIGNATION None applicable | ASSESSOR PARCEL NUMBER 017-166-007 | SUPERVISOR DISTRICT(S) 1 |
| PLANNING AREA STANDARDS: None Applicable | | | |
| LAND USE ORDINANCE STANDARDS: Communications Facilities | | | |
| EXISTING USES: Single family residence | | | |
| SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/ dry farming, grazing <i>South:</i> Agriculture/ wine grapes <i>East:</i> Residential Single-family/single-family residences <i>West:</i> Agriculture/Single-family residence | | | |
| ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242 | | | |

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| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agricultural Commissioner, Cal Fire, Shandon Advisory Committee and California Department of Fish and Wildlife | |
| TOPOGRAPHY: Nearly level | VEGETATION: Ornamental landscaping, grasses, scattered oak trees |
| PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: Cal Fire | ACCEPTANCE DATE: August 17, 2015 |

SUMMARY:

Telecommunications Act

The County's local authority to regulate wireless communications facilities, such as the proposed project, is limited by the federal Telecommunication Act (TCA). While affirming local government authority to regulate the placement and construction of wireless facilities, the TCA also places some important limitations on this authority. One well-known example of these limitations is the preemption of local regulation on the basis of concerns over RF emissions. In addition to this limitation, the TCA also:

- Requires local governments to act on applications for new wireless facilities within a "reasonable amount of time;"
- Requires that any permit denial be in writing and based on substantial evidence in the record;
- Prohibits unreasonable discrimination against competing wireless carriers; and
- Bars local regulations that would prohibit or have the effect of prohibiting the provision of personal wireless service¹.

Project Site

The subject parcel is located just outside of the Shandon Urban Reserve Line. The project site is relative flat and will not silhouette against any ridgelines. The 14.86-acre parcel is developed with a single family home and accessory structures, including a windmill. The site is vegetated with mature pines, cypress trees, and various shrubs. This vegetation screens the existing single family home from views along West Centre Street, the main public viewing corridor in the area. The site and surrounding land has been intermittently farmed. The parcel immediately to the east contains a small orchard along West Centre Street. More intensive agriculture, including vineyards, is visible in the distance.

The proposed project would be located on a 14-acre parcel in the Agriculture land use category. The subject parcel contains a single family residence and various agricultural accessory structures.

¹ The federal courts use a two pronged test to determine when a local jurisdiction's denial of a single project constitutes an "effective prohibition" of service. Under this test, the carrier must show that: A) the proposed project would close a significant gap in service; and B) the manner in which it proposes to fill the significant gap in service is the least intrusive on the values that the denial sought to serve.

Figure 1: Project Site



Proposed Project

The proposed project would allow the construction of an unmanned wireless telecommunications facility consisting of panel antennas and related equipment within the cylinder portion of a 40-foot tall artificial water tank and ground mounted equipment. The proposed facility will be set back approximately 500 feet south of West Centre Street and 145 feet west of the adjacent parcel to the east, where it will be nestled between ornamental landscaping and pine trees. The tank will be designed as a wooden agrarian style water tank, and will be located near an existing windmill on the site.



Figure 2: Photo Simulation from W. Center Street

The proposed facility would consist of the following improvements:

- Twelve (12) 6 foot tall panel antennas, twelve (12) RRHs, and four (4) ray caps to be concealed within the cylinder portion of a 40-foot tall artificial water tank. The water tank will be an agrarian style consistent with the rural/agricultural character of the surrounding area;
- Installation of an electrical meter, outside equipment cabinet, and standby generator on an approximately 56 square-foot concrete pad at the base of the water tank;
- 8 foot tall perimeter fence around a 33 foot by 39 foot lease area; and
- Associated utility trenching for underground power and telco lines from an existing power pole-point of beginning (approximately 513 feet).

The project originally proposed to locate the equipment cabinets within an equipment shelter building at the base of the water tank, but modified the design to include outdoor equipment cabinets screened by the proposed wooden perimeter fence.

Visual Impacts

Generally a telecommunications facility is not a use that is inherently compatible with the character of the surrounding residential and agricultural uses; however, the proposed project is a stealth design that would blend with the agrarian setting. The project will be required to use colors and materials that are characteristic of an agrarian-style water tank. As determined through the photo-simulations, views of the facility from West Centre Street would not be highly visible. Where it would be visible, the tank would appear characteristic of the surrounding landscape and would not be recognizable as a telecommunications facility.

Alternatives Analysis

In addition to the Wiebe site, Verizon considered 2 alternative locations for the proposed facility (see attached document: Verizon/Wiebe Shandon Site Capacity Coverage). This included:

Verizon evaluated the feasibility of each alternative using the following criteria:

- **Can a lease be obtained?** Verizon contacted the owners of each site to determine whether or not they would be willing to lease space for a facility. Without a willing landowner, a site is not considered a feasible alternative.
- **Would coverage be achieved?** Considers whether the site would meet the project's coverage objective, either individually or when combined with other alternative sites. Verizon's coverage objective is shown on the attached propagation maps.
- **Does it meet County ordinance requirements?** Considers whether a wireless communications facility is an allowed use on the site and whether the site has the visual context and physical space to support a stealth structure.
- **Could it be constructed?** Considers whether the site has the infrastructure (e.g. power, telco, and access) in place or, if not, whether infrastructure could feasibly be developed on the site. For example, in order to develop a facility on a remote undeveloped hilltop in the Paso Robles area, Verizon would have to grade on steep slopes and install miles of underground power utilities. This could make such a site financially and environmentally infeasible.

The alternatives analysis failed to identify an alternate site within the area that would support the proposed project and its coverage objective.

LAND USE ORDINANCE STANDARDS:

Section 22.30.180 – Communications Facilities

This section of the ordinance describes specific permit and application content requirements as well as siting and design standards for proposed wireless communications facilities. The requirements of this section apply to communications transmission and receiving facilities in addition to all applicable permit requirements and standards of the FCC. As described below, the proposed project meets these requirements:

Radio Frequency Analysis

Section 22.30.180(B) requires applications for communications facilities to include estimates of non-ionizing radiation generated and/or received by the facility. These shall include estimates of the maximum electric and magnetic field strengths at the edge of the facility site and the extent that measurable fields extend in all directions from the facility.

Staff Response: *The applicant supplied a report to evaluate the proposed communications facility for compliance with appropriate guidelines limiting human exposure to radio frequency (RF) electromagnetic fields. According to the RF report for this project (Hammett & Edison; April 9, 2015), the maximum level of RF emissions from the proposed facility would be equivalent to 10 percent of the applicable public limit. The maximum calculated level at any residence on adjacent properties is 3.6 percent of the public exposure limit.*

Permit Requirements

Section 22.30.180(C)(1) requires Minor Use Permit approval for proposed wireless communications facilities that share locations with their own or other carriers' antennas either on existing monopoles, existing structures (buildings, water tanks, signs, etc.) or any other existing structure.

Staff Response: *This standard allows new communications facilities to be reviewed through a minor use permit (rather than a conditional use permit) when the proposed facility is located on an existing structure (rather than a new antenna support structure). Based on this standard, the proposed project would require conditional use permit approval since it would require the construction of a new antenna support structure: a 40 foot tall faux elevated water tank.*

Co-Location

According to Section 22.30.180(C)(2)(b), when co-location is not proposed, applications for communications facilities must provide information pertaining to the feasibility of joint-use antenna facilities, and discuss the reasons why such joint-use is not a viable option or alternative to a new site.

Staff Response: *The purpose of this requirement is to minimize visual impacts by concentrating telecommunications equipment in the fewest possible number of locations, rather than scattering facilities across the county. It is usually in a carrier's interest to comply with this requirement since "collocation" sites are strategically located to provide superior coverage, already have the necessary infrastructure in place (access, power, and telco), and are approved through the more expedient and less expensive minor use permit (rather than conditional use permit) process.*

As described in the attached alternatives analysis, Verizon evaluated the feasibility of collocating at two existing facilities in the Shandon area. However, as described below, these sites did not meet Verizon's feasibility criteria:

- **222 McMillan Canyon Road:** Verizon considered locating on an existing monopine and pole mounted antennas on this hillside along Highway 46 East. The area to be covered as shown in the attached maps required additional height that would not be allowed at this facility (tree is 20ft and poles are 10ft); The proposed facility allows for more height but still well screened and allows for more coverage.

- **Clarke Memorial Park: 101 W. Centre Street:** Verizon could not obtain a lease from the Park owners

Development Standards

According to Section 22.30.180(C)(3), the preferred placement for new wireless communication facilities is on existing structures, completely hidden from public view or painted and blended to match existing structures. In addition, all facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to resemble rural, pastoral architecture (e.g. windmills, barns, trees) or other features determined to blend with the surrounding area and be finished in a texture and color deemed unobtrusive to the neighborhood in which it is located.

Staff Response: *As described, the applicant evaluated the feasibility of locating the proposed facility at two other locations, but was unable to reach a lease agreement with one of the properties and the second could not provide the necessary coverage required by the RF Engineer from Verizon to achieve maximum coverage for the identified area.*

Generally a communications facility is not a use that is inherently compatible with the character of the surrounding residential and agricultural uses; however, the proposed project is a stealth design that would blend with the agrarian setting. The project will be required to use colors and materials that are characteristic of an agrarian-style water tank. As determined through the photo-simulations, views of the facility from West Centre Street would not be highly visible. Where it would be visible, the tank would appear characteristic of the surrounding landscape and would not be recognizable as a telecommunications facility.

Unused Facilities

Section 22.30.180(4) requires all obsolete or unused facilities to be removed within 12 months of cessation of communication operations at the site.

Staff Response: *The project is consistent with this standard because the applicant is required to enter into a performance agreement and financial instrument for site restoration.*

COMMUNITY ADVISORY GROUP COMMENTS:

Shandon Advisory Committee reviewed the project at their May 6, 2015 meeting. Action was taken to recommend approval. No concerns were identified.

AGENCY REVIEW:

Public Works: "The applicant shall demonstrate whether the project is subject to the LUO Section for Stormwater Management".

Environmental Health: "The applicant shall submit, to this office, the hazardous materials business plan for the proposed cell site. The plans shall be reviewed and approved prior to final sign-off."

Ag Commissioner: Less than significant agricultural impacts.

Cal Fire: Submitted a Fire Safety Plan with comments and recommendations to be required as condition of approval.

LEGAL LOT STATUS:

The one existing parcel was legally created by a map at a time when that was a legal method of creating parcels.

Staff report prepared by Holly Phipps and reviewed by Airlin Singewald.